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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

EXAMINER	
COLUCCI, MICHAEL C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/755,623	LECOEUCHE, RENAUD J.	
	Examiner	Art Unit	
	MICHAEL C. COLUCCI	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 14-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 14-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicants arguments with respect to claims 1-11 and 14-22 have been considered but are moot in view of the new grounds of rejection. Re the amendments to claims 1 and 11, "at least one response includes an answer to the prompt that was given and additional information that is not an answer to the prompt that was given, wherein an additional prompt is then provided to the user concerning the additional information before returning to the selected order" **and** "storing a plurality of semantic items that maintain information related to responses received from the user, amt wherein at least one response includes an answer to a prompt that was given and additional information that is not an answer to the prompt that was given, wherein the additional information is associated with one or more of the semantic items and the module maintains an indication associated with the one or more semantic items that the dialog is to depart from the selected order to provide an additional prompt to the user concerning the one or more semantic items before the dialog returns to the selected order", Examiner has maintained the use of Alpdemir US 20020035474 A1 (hereinafter Alpdemir) in view of Albayrak et al. US 6662163 B1 (hereinafter Albayrak) to address the amendments to claims 1 and 11, as well as new independent claim 19. Both Alpdemir and Albayrak are directly within the scope of the present invention, wherein Alpdemir teaches "additional information" like the present invention in the form of interrupting a prompt at any time with a response that is not an answer to a prompt such as *help* (present invention spec. [0073]). This is explicitly taught like the present

invention, wherein Alpdemir teaches that f or business subscriber calls, when they say, "help" there should desirably be some automated help, and when they say "save me" they should desirably be connected to a customer service representative (Alpdemir [0132].

Examiner has also addressed the use of a semantic item, wherein Alpdemir teaches spoken text, words, sentences, etc. as part of the dialog interaction system.

NOTE: Examiner would like to remind Applicant of the following:

"USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized,

scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpdemir US 20020035474 A1 (hereinafter Alpdemir) in view of Albayrak et al. US 6662163 B1 (hereinafter Albayrak).

Re claims 1, 11, and 19, Alpdemir teaches a computer readable storage medium having instructions, which when executed on a computer generate client side markup ([0140]) for a client in a client/server system, the instructions comprising:

a set of controls configured for use on a server remote from the client for defining a dialog and used to dynamically generate client side markup in accordance with the dialog ([0139]), the controls comprising at least a control for generating markup related to audible prompting of a question ([0226]) and for generating markup related to a grammar for recognition ([0169]), wherein the set of controls includes means for generating markup that is adapted to prioritize prompting of a question ([0337-0339]) and for generating markup related to a grammar for recognition as a function of responses from a user ([0143-0144]), when at least one response includes an answer to the prompt that was given and additional information that is not an answer to the prompt that was given, wherein an additional prompt is then provided to the user concerning the additional information ([0132], *help* information) before returning to the selected order ([0250-0338] & Fig. 5, examples illustrating prompt and response in a dialog environment, that can start a users dialog over again);

a module, when executed on the client, creates a dialog as a function of the controls, wherein the dialog follows a selected order of prompting and receiving input from a user as related to the order of the controls ([0217]), and departs from the

selected order as a function of responses from the user ([0143-0144]), wherein the set of controls includes attributes that define a selected order for execution of the set of controls to generate the markup ([0222 & 02223] & Fig. 5 ordered set of commands/responses).

However, Alpdemir fails to teach a client side markup for a client in a client/server system

Albayrak teaches an interactive voice response system includes a server and a set of mobile clients. The server and clients include RF transceivers for exchanging messages over an RF channel. Each mobile client includes a microphone, a speaker or headset, a processor and a voice browser. The voice browser interprets voice pages received from the server. Upon receiving a particular voice page from the server, the voice browser outputs via the speaker voice prompts specified by the voice page. A speech recognition engine used by the voice browser converts voice responses from a user into a text response. The voice browser then performs an action based on the text response. The action taken may be to request a new voice page from the server, or to continue to interpret the current voice page. The server preferably includes an HTTP server module for receiving and responding to requests for voice pages from the mobile clients in accordance with a predefined protocol. The mobile clients each include a text-to-speech module for converting text in a voice page into voice prompts, and a digitized speech module for playing digitized voice data representing other voice prompts. The mobile clients also include a speech recognition module for recognizing words or data

string within a user's voice responses in accordance with a user specific voice file received from the server (Albayrak Col. 3 lines 3-27).

Further, Albayrak teaches that Hypertext refers to a collection of computer-readable text documents containing links, that is, location references. A browser utilizes the links to facilitate moving its attention between linked documents. A voice browser is similar to a graphical browser in that it is a program that processes hypertext and presents the hypertext content in a specified format. The voice browser used in the preferred embodiment of this invention receives and outputs all information in the form of sound rather than having graphical input and output. The particular type of hypertext used in the preferred embodiment is based on VoiceXML. VoiceXML was designed by the VoiceXML Forum to create audio dialogs that feature digitized audio and speech recognition and to facilitate web-based development and content delivery. (Albayrak Col. 4 lines 11-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alpdemir to incorporate a client side markup for a client in a client/server system as taught by Albayrak to allow for a server-client voice browsing system, wherein markup language is utilized to convert text to speech, particularly for a mobile client that can prompt a user wirelessly (Albayrak Col. 3 lines 3-27).

Re claims 2, Alpdemir teaches the computer readable storage medium of claim 1 wherein the module creates a dialog ([0220]) as a function of activated controls ([0143-0144]).

Re claim 3, Alpdemir teaches the computer readable storage medium of claim 2 wherein controls are activated as a function of responses from the user ([0143-0144]).

Re claims 4, Alpdemir teaches the computer readable storage medium of claim 3 wherein the set of controls includes an attribute to indicate the selected order that each of the controls will be activated ([0337-0339]).

Re claim 5, Alpdemir teaches the computer readable storage medium of claim 1 wherein one of the controls provides means for defining a confirmation for generating markup related to confirming that a recognized result is correct ([0191]).

Re claim 6, Alpdemir teaches the computer readable storage medium of claim 1 and further comprising a second set of controls for generating markup related to visual rendering on a client, wherein at least one of the first-mentioned set of controls is associated with at least one of the controls of the second set of controls ([0362-0363] & Fig. 11-12).

4. Claims 7-10, 14-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpdemir US 20020035474 A1 (hereinafter Alpdemir) in view of Albayrak et al. US 6662163 B1 (hereinafter Albayrak) and further in view of Takebayashi et al. US 5357596 A (hereinafter Takebayashi).

Re claims 7 and 14, Alpdemir teaches the computer readable storage medium of claim 1 wherein the module maintains information related to an order of responses received from the user, and wherein the module departs from the selected order ([0337-0339]) to provide a prompt related to a previous [RLI0] response from the user in the information ([0143-0144]).

However, Alpdemir in view of Albayrak fails to teach providing a prompt related to a previous [RLI0] response from the user.

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the order made by the input speech as understood by the system at each moment during the order taking operation, in a form of an order list similar to the ORDER TABLE frame of the semantic response representation, and this order table is to be updated according to the ACT frame and the ORDER TABLE frame of the semantic utterance representation supplied from the speech understanding unit 11. On the other hand, the past order table shown in FIG. 8 indicates the order table at a time of an output of the previous system response, i.e., the content of the order taken up to an output of the previous system response. This past order table of FIG. 8 is utilized as the dialogue history indicative of the change of the order table in the course of the order taking operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate providing a prompt related to a previous response from the user as taught by Takebayashi to allow for the logging of data history, wherein the order and previous responses are stored for the dialog manager, wherein changes in user responses can be monitored for an improved recognition scheme (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Re claim 8, Alpdemir teaches the computer readable storage medium of claim 7 wherein the set of controls includes an attribute to indicate whether a response to a prompt will be maintained in the information related to the order of responses received from the user ([0337-0339]).

Re claims 9, 16 and 21, Alpdemir teaches the computer readable storage medium of claim 8 wherein module maintains the information related to an order of responses ([0337-0339]) received from the user as a stack.

However, Alpdemir in view of Albayrak fails to teach an order of responses received from the user as a stack

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the order made by the input speech as understood by the system at each moment during the order taking operation, in a form of an order list similar to the ORDER TABLE frame of the semantic response representation, and this order table is to be updated according

to the ACT frame and the ORDER TABLE frame of the semantic utterance representation supplied from the speech understanding unit 11. On the other hand, the past order table shown in FIG. 8 indicates the order table at a time of an output of the previous system response, i.e., the content of the order taken up to an output of the previous system response. This past order table of FIG. 8 is utilized as the dialogue history indicative of the change of the order table in the course of the order taking operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate an order of responses received from the user as a stack as taught by Takebayashi to allow for the logging of data history, wherein the order and previous responses are stored for the dialog manager, wherein changes in user responses can be monitored for an improved recognition scheme (Takebayashi Col. 11 lines 33-51 & Fig. 7-8, wherein ordered data in memory is construed to be functionally equivalent to a stack).

Re claims 10 and 20, Alpdemir in view of Albayrak fails to teach the computer readable storage medium of claim 9 wherein the stack is of selected length such that the oldest information related to the oldest received response is removed when information is received related to the latest response from the user.

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the order made by the input speech as understood by the system at each moment during the order taking operation, in a form of an order list similar to the ORDER TABLE frame

of the semantic response representation, and this order table is to be updated according to the ACT frame and the ORDER TABLE frame of the semantic utterance representation supplied from the speech understanding unit 11. On the other hand, the past order table shown in FIG. 8 indicates the order table at a time of an output of the previous system response, i.e., the content of the order taken up to an output of the previous system response. This past order table of FIG. 8 is utilized as the dialogue history indicative of the change of the order table in the course of the order taking operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Further, Takebayashi teaches the confirmation for the partial change of the order such as addition, replacement, and deletion is carried out by using only the speech response and the text data of the speech response. However, the visual information may also be used for the confirmation of the partial change of the order. In such a case, the display of the content visualizing image indicating the entire order may be interrupted temporarily, if desired. (Takebayashi Col. 27 lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate a stack that is of selected length such that the oldest information related to the oldest received response is removed when information is received related to the latest response from the user as taught by Takebayashi to allow for the logging of data history, wherein the order and previous responses are stored for the dialog manager and older data is removed as the most recent response is received, wherein changes in user responses can be monitored for an improved recognition scheme (Takebayashi

Col. 11 lines 33-51 & Fig. 7-8, wherein ordered data in memory is construed to be functionally equivalent to a stack).

Re claim 15, Alpdemir teaches the computer implemented method of claim 14 wherein the set of controls includes an attribute to indicate whether a response to a prompt will be maintained in the information related to the order of responses received from the user ([0337-0339]), and wherein creating the dialog includes maintaining information related to an order of responses received from the user as a function of the corresponding attribute for a prompt ([0226]).

Re claim 18, computer implemented method of claim 14, wherein defining a dialog includes logic for modifying the maintained information related to an order of responses received from the user([0337-0339]), and wherein creating the dialog includes modifying the maintained information pursuant to the logic ([0213).

Re claim 17, Alpdemir in view of Albayrak fails to teach the computer implemented method of claim 16, wherein maintaining the ordered list comprises maintaining the ordered list in a stack

Takebayashi teaches an order table shown in FIG. 7 indicates the content of the order made by the input speech as understood by the system at each moment during the order taking operation, in a form of an order list similar to the ORDER TABLE frame of the semantic response representation, and this order table is to be updated according

to the ACT frame and the ORDER TABLE frame of the semantic utterance representation supplied from the speech understanding unit 11. On the other hand, the past order table shown in FIG. 8 indicates the order table at a time of an output of the previous system response, i.e., the content of the order taken up to an output of the previous system response. This past order table of FIG. 8 is utilized as the dialogue history indicative of the change of the order table in the course of the order taking operation (Takebayashi Col. 11 lines 33-51 & Fig. 7-8).

Further, Takebayashi teaches the confirmation for the partial change of the order such as addition, replacement, and deletion is carried out by using only the speech response and the text data of the speech response. However, the visual information may also be used for the confirmation of the partial change of the order. In such a case, the display of the content visualizing image indicating the entire order may be interrupted temporarily, if desired. (Takebayashi Col. 27 lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Alpdemir in view of Albayrak to incorporate maintaining the ordered list comprises maintaining the ordered list in a stack as taught by Takebayashi to allow for the logging of data history, wherein the order and previous responses are stored for the dialog manager and older data is removed as the most recent response is received, wherein changes in user responses can be monitored for an improved recognition scheme (Takebayashi Col. 11 lines 33-51 & Fig. 7-8, wherein ordered data in memory is construed to be functionally equivalent to a stack).

Re claim 22, Alpdemir teaches the system of claim 20 wherein the ordered list is indicative of a list of semantic items ([0250-0338] & Fig. 5, examples illustrating prompt and response in a dialog environment, where the best matching data to a user response is selected from a set of data).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-

270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C Colucci/
Examiner, Art Unit 2626
Patent Examiner
AU 2626
(571)-270-1847
Michael.Colucci@uspto.gov

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626